

The Honorable Kymberly K. Evanson

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff
v.
MOHAMED SOUMAH
Defendant.

NO. CR24-052 KKE

UNITED STATES' SENTENCING
MEMORANDUM

Mohamed Soumah shattered the glass panel of a revolving door at the United States District Courthouse for the Western District of Washington in March 2024. On November 25, 2024, this Court found Mr. Soumah guilty of one count of Depredation of Government Property following a stipulated facts trial. Dkt. 73. The United States respectfully joins United States Probation and recommends the Court impose a custodial sentence of time served to be followed by no supervision. *See* PSR at 3.

I. BACKGROUND

A. Offense Conduct

On March 2, 2024, Mr. Soumah shattered a glass panel of a revolving door at the main entrance of the U.S. District Courthouse in Seattle, Washington. Dkts. 1, 70-1. Four days later, on March 6, 2024, Mr. Soumah returned to, and entered, the Courthouse. *Id.*

1 Upon entering the Courthouse, Mr. Soumah began yelling that he hated being in the United
 2 States and wanted to be deported. *Id.* Court Security Officers (“CSOs”) asked Mr. Soumah
 3 to move to the side so that other visitors entering the Courthouse could move past him. *Id.*
 4 Mr. Soumah obliged. The CSOs asked Mr. Soumah general questions, including where he
 5 was from. During this interaction with CSOs, Mr. Soumah pointed to the revolving door—
 6 which had been partially boarded up due to the shattered glass—and stated that he did that.
 7 *Id.* Mr. Soumah also told the CSOs that he had previously shattered glass at the Courthouse
 8 years prior. *Id.* Federal Protective Service Officers then arrived on the scene and detained
 9 Mr. Soumah. After Mr. Soumah waived his *Miranda* rights, he told Federal Protective
 10 Service Officers that he was the individual who had broken the glass panel of the revolving
 11 door at the Courthouse days earlier and that he had done so because he wanted to go back
 12 to his home country. *See* Dkt. 2, Dkt. 70-1.

13 **B. Procedural History**

14 Mr. Soumah was charged by complaint on March 7, 2024. Dkt. 1. On May 10, 2024,
 15 the Parties entered into a Deferred Prosecution Agreement (the “DPA”), in which Mr.
 16 Soumah agreed to adhere to certain conditions for a period of eighteen months. Dkt. 29. If
 17 Mr. Soumah adhered to the conditions for the full period of time, the government agreed
 18 to dismiss the indictment with prejudice. *Id.* However, if Mr. Soumah violated the
 19 conditions, the government could reinitiate prosecution of the indictment and proceed to a
 20 stipulated facts trial. *Id.*

21 Mr. Soumah violated the terms of his supervision, and therefore the terms of his
 22 DPA, on multiple occasions over the past six months. *See* Dkts. 32, 47, 59. The government
 23 exercised its right to revoke the DPA in light of these numerous violations. Dkt. 66. The
 24 Court then held a stipulated facts trial on November 18, 2024 and found Mr. Soumah guilty
 25 of Count 1 of the indictment. Dkts. 71, 73.

1 **C. Defendant's History**

2 Mr. Soumah has a long history of mental health struggles, poverty, and housing
 3 instability. These realities have shaped the government's handling of this case from the
 4 outset, leading to the unique procedural postures described above. These same realities
 5 should be weighed by the Court in fashioning its sentence of Mr. Soumah.

6 Mr. Soumah has been diagnosed with psychosis, likely the result of a brain injury,
 7 Post Traumatic Stress Disorder, major depressive disorder, and alcohol use disorder. Mr.
 8 Soumah has been homeless in Seattle beginning in 2015. Much of his recent criminal
 9 history appears related to this homelessness. It does not appear that Mr. Soumah has the
 10 support of any stable friends or family members to provide Mr. Soumah with housing or
 11 otherwise meaningfully assist in his sobriety or re-stabilization.

12 Mr. Soumah has a history of breaking windows at federal courthouses and
 13 government buildings, including at least four prior instances at the U.S. District Courthouse
 14 in Seattle and two prior instances at the U.S. District Courthouse in the Eastern District of
 15 New York. These instances are clearly motivated by Mr. Soumah's instability when
 16 unmedicated and intoxicated—situations Mr. Soumah finds himself in, at least in part, due
 17 to his homelessness and inability to access consistent health care.

18 **II. STATUTORY PENALTIES**

19 The offense of Depredation of United States Property, in violation of 18 U.S.C.
 20 § 1361, with a loss amount in excess of \$1,000, is punishable by a maximum term of
 21 imprisonment of ten years, a \$250,000 fine, 3 years of supervised release, and a \$100
 22 special assessment.

23 **III. SENTENCING GUIDELINES CALCULATIONS**

24 Mr. Soumah's base offense level is six, pursuant to USSG § 2B1.1(a)(2). Given Mr.
 25 Soumah's stipulation to the facts in this case, the government would submit that Mr.
 26 Soumah ought to receive a two-level reduction for acceptance of responsibility, making his
 27 total offense level four. *See* USSG §3E1.1(a).

1 Mr. Soumah's calculable offenses result in a subtotal criminal history score of 15—
 2 11 of which are the result of offenses receiving a single criminal history point. According
 3 to USSG §4A1.1(c), only a maximum of four single point offenses can be counted. The
 4 resulting total criminal score is therefore eight. According to the sentencing table in USSG
 5 Chapter 5, Part A, a criminal history score of eight establishes a criminal history category
 6 of IV. *See* PSR at 2. With a total offense level of four and a criminal history of IV, Mr.
 7 Soumah's sentencing guideline range is two to eight months of imprisonment. *Id.*

8 **IV. FACTORS RELATED TO SENTENCING RECOMMENDATION**

9 When sentencing a defendant, the Court must apply the factors set forth in Title 18,
 10 United States Code, Section 3553(a) to the specific facts of the individual and the crime
 11 committed. Section 3553(a) instructs the Court to impose a sentence that is “sufficient, but
 12 not greater than necessary” when taking into consideration the following factors: (1) “the
 13 nature and circumstances of the offense and the history and characteristics of the
 14 defendant”; (2) the need for the sentence “to reflect the seriousness of the offense, to
 15 promote respect for the law, and to provide just punishment for the offense”; (3) the need
 16 for the sentence to “afford adequate deterrence to criminal conduct”; (4) the need for the
 17 sentence “to protect the public from further crimes of the defendant”; (5) the need “to
 18 provide the defendant with educational and vocational training, medical care, or other
 19 correctional treatment in the most effective manner”; (6) the kinds of sentences available;
 20 (7) the applicable sentencing guideline range; (8) “any pertinent policy statement”; (9) the
 21 need to avoid “unwarranted sentence disparities” among similarly situated defendants; and
 22 (10) the need to provide restitution to victims.

23 **V. GOVERNMENT'S RECOMMENDATION**

24 The government agrees with United States Probation's recommendation and
 25 respectfully submits that a sentence of time served with no supervision to follow strikes
 26 the appropriate balance after considering the § 3553(a) factors. *See* PSR at 3. The
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1 government's recommended sentence is sufficient, but not greater than necessary to
 2 address the goals of sentencing.

3 Mr. Soumah has already spent a considerable amount of time in custody for his
 4 offense. Mr. Soumah was detained at his initial appearance on March 7, 2024 and remained
 5 in custody until the execution of the DPA on May 10, 2024. *See* Dkts. 3, 28–30. Over the
 6 last six months, Mr. Soumah committed a number of supervised release violations, which
 7 resulted in further detention. Most recently, Mr. Soumah was arrested on September 25,
 8 2024 following a supervised release violation, ordered detained at his initial bond
 9 revocation hearing, and remains in custody while he awaits sentencing. *See* Dkt. 62. Mr.
 10 Soumah has therefore already served well over four months in custody, the equivalent to a
 11 guidelines range sentence.

12 The government agrees with probation that a term of supervised release would be
 13 futile in this case given Mr. Soumah's mental health limitations, housing insecurity, and
 14 inability to meaningfully engage in prior attempts at supervision. Mr. Soumah has served
 15 a custodial sentence that reflects the seriousness of his offense, a property offense, which
 16 adequately deters others from committing similar offenses, while appropriately weighing
 17 the unavoidable complications that face Mr. Soumah.

18 **VI. CONCLUSION**

19 For the foregoing reasons, the United States respectfully asks the Court to sentence
 20 Mr. Soumah to a term of imprisonment of time served. Further, the government asks that
 21 this Court not impose a term of supervised release on Mr. Soumah in light of his personal
 22 characteristics, performance under supervision during the deferred prosecution agreement
 23 period, and United States Probation's position on Mr. Soumah's ability to be meaningfully
 24 supervised. This sentence is sufficient, but not greater than necessary to comply with the
 25 purposes of sentencing.

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1 DATED this 21st day of November, 2024.
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Respectfully submitted,

5 TESSA M. GORMAN
6 United States Attorney
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